

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES RAY WALKER,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

2:15-cv-01240-RFB-GWF

ORDER

This action is a petition for a writ of habeas corpus under 28 U.S.C. § 2254 by James Ray Walker, a Nevada prisoner sentenced of death. Walker filed his petition on June 30, 2015. ECF No. 1. He has paid the \$5 filing fee for this action.

Despite having paid the \$5 filing fee, Walker also filed an application to proceed *in forma pauperis*. ECF No. 4/7. In view of the financial information Walker has provided with his application, the court will grant his motion in part and deny it in part. The court will not waive payment of the \$5 filing fee, but will grant Walker leave to proceed *in forma pauperis* with respect to subsequent fees and costs.

Walker also filed a Motion for Appointment of Counsel. ECF No. 5. Walker's Application to Proceed *in Forma Pauperis* shows that he lacks the resources necessary to employ counsel to prosecute this capital habeas corpus proceeding. Therefore, pursuant to 18 U.S.C. § 3599(a), in the interest of justice, the Federal Public Defender for the District of Nevada ("FPD") shall be appointed to represent

1 Walker. If the FPD is unable to represent Walker, due to a conflict of interest or any other reason, then
2 alternate counsel for Walker will be located, and appointed by the court. Walker's appointed counsel
3 will represent him in all future federal proceedings in this court relating to this matter, including
4 subsequent actions, and appeals therefrom, pursuant to 18 U.S.C. § 3599(e), until allowed to withdraw.

5 **IT IS THEREFORE ORDERED** that petitioner's Application to Proceed *in Forma Pauperis*
6 (ECF No. 4/7) is **GRANTED IN PART AND DENIED IN PART**. The Application to Proceed *in*
7 *Forma Pauperis* is **DENIED** with respect to waiver of payment of the filing fee, but **GRANTED** with
8 respect to subsequent fees and costs.

9 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel (ECF No.
10 5) is **GRANTED**. The Federal Public Defender for the District of Nevada is appointed to represent
11 petitioner, and shall have **thirty (30) days** from the date of entry of this Order to undertake
12 representation of petitioner or to indicate to the court its inability to represent petitioner in these
13 proceedings.

14 **IT IS FURTHER ORDERED** that the Clerk of Court shall **SERVE** a copy of this Order on
15 Michael Pescetta, Capital Habeas Division, Office of the Federal Public Defender,
16 411 East Bonneville Ave., Ste. 250, Las Vegas, NV 89101.

17 **IT IS FURTHER ORDERED** that the Clerk shall **SERVE** the respondents, by certified mail,
18 with a copy of this order and a copy of the habeas corpus petition (ECF No. 1, only). Respondents'
19 counsel shall file a Notice of Appearance of Counsel within **thirty (30) days** from the date of entry of
20 this order, but shall not answer the habeas corpus petition until the court orders otherwise.

21 DATED: July 20, 2015.

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24 RICHARD F. BOULWARE, II
25 UNITED STATES DISTRICT JUDGE
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